



Docket No.: 0505-0759P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shigehisa FUJITA et al. Conf. No.: 2172
Appl. No.: 09/820,230 Examiner: Ferris, III.
Filed: March 29, 2001 Group: 2128
For: METHOD OF ASSISTING THE DESIGN OF A VEHICULAR
SUSPENSION

**COMMENTS ON STATEMENT OF REASONS
FOR ALLOWANCE UNDER 37 CFR §1.104(E)**

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 6, 2006

Sir:

In the Examiner's Notice of Allowability attached to the Notice of Allowance and Issue Fee due dated April 6, 2006, the Examiner included statements regarding the reasons for allowance.

Specifically, on page 3, lines 14-21 of the Notice the Examiner stated:

The examiner has interpreted the functionality of certain claimed terms recited in independent claims 1 and 9 as specifically disclosed in the applicant's specification as follows:

- *specification value window (para:0034-0036, 0044-0051, Figs. 5-7)*
- *...*
- *...*
- *predetermined definition points (par: 0033-0055, figs. 3-10).*

In addition, on pages 4, line 14 through page 5, line 5 of the Notice the Examiner stated:

Independent claim 9 further uses "means for" language and is given deference in view of Donaldson and interpreted in view of 35 U.S.C. 112, paragraph 6. ...

- ...

- ...

- ...

- means for generating simulation model (para:0033-0053, Fig. 2).

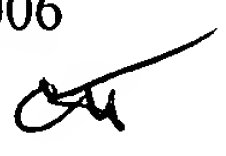
The Applicant respectfully submits that claims 1, 5-9, and 13-23 should be allowable due to the limitations that appear therein and not due to the comments stated by the Examiner.

The Examiner indicates that the "means for" language should be interpreted in view of 35 U.S.C. § 112, sixth paragraph. To the extent that the portions of the specification and drawings mentioned by the Examiner fully describe the structure of the "means for" recitations, these recitations should be interpreted to be the structure described in the specification and equivalents thereof. However, the Examiner's position with regard to the functionality of the recitations in claims 1 and 9 is incorrect. Claim 1 is a method claim that should not be interpreted under 35 U.S.C. § 112, sixth paragraph. In addition, with regard to claim 9, only the structure and not the functionality should be interpreted to be that described in the specification. In view of this, with regard to the functionality, the claims should be interpreted "in light of the specification," not as specifically disclosed in the specification as asserted by the Examiner.

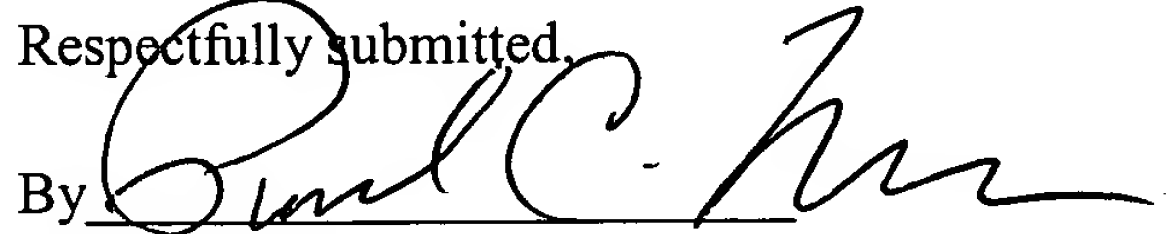
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated: July 6, 2006



Respectfully submitted,



Paul C. Lewis

Registration No.: 43,368

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant